



Opening Statement of Chairman McNulty
Subcommittee on Social Security
Hearing on SSA's Hiring of Administrative Law Judges
May 1, 2007

Today's hearing focuses on the Social Security Administration's hiring of Administrative Law Judges, commonly referred to as ALJs. ALJs play a critical role at SSA, conducting hearings on appeals filed by persons applying for disability benefits.

A few months ago, this Subcommittee held a hearing on the large and growing disability claims backlogs. Testimony at that hearing dramatically illustrated the tremendous human costs of the long delays so many applicants face. For example, we heard of a woman from Troy, New York – someone from my own district – who has lost her home, been hospitalized, and even lost custody of her children while she waits for her case to be resolved.

Testimony at that hearing also starkly pointed out the role of resource and staffing shortages in creating this unacceptable situation. For the past several years, the President's request for SSA's administrative budget has been lower than the amount requested by the SSA Commissioner, and the amount actually appropriated has been lower still. As a result, SSA has been unable to hire all the staff needed to process disability claims and conduct hearings.

I worked with my friend, Ranking Member Sam Johnson, to urge the Budget Committee to address SSA's lack of resources. Many stakeholder organizations did the same. And I'm very pleased to report that the House-passed Budget Resolution assumes additional funding for SSA – \$400 million beyond the President's request. These funds would allow SSA to begin working down the disability claims backlog and also perform critical program integrity activities. I will continue my efforts in this area throughout the appropriations process. I hope that the result will be significantly more funding for SSA next year that will enable SSA to hire more staff to address the backlogs.

What we don't want to face is another obstacle to hiring essential staff. Today's hearing will explore other barriers to SSA's hiring of ALJs, and, in particular, the need to ensure that an up-to-date register of ALJ candidates is available for SSA from which to hire.

The existing register of ALJ candidates was developed by the Office of Personnel Management – OPM – in the 1990s. For several years, hiring from that register was disrupted due to litigation. In the summer of 2003, the litigation was sufficiently resolved that OPM could reopen hiring from the register. At that time, OPM announced that it would be developing a new examination for ALJ candidates, which would be used to put together a new register.

Now, close to four years later, we still do not have this new register. The Subcommittee has raised concerns about this repeatedly over the past few years. Following our last hearing, Mr. Johnson and I sent a letter to the Directors of OPM and the Office of Management and Budget requesting a time line for when the register would be completed and urging OPM to expedite this process.

I am pleased to note that we have seen some recent progress. OPM published a final regulation in March. In the last two weeks the agency has taken other measures to move this process forward, including issuing a new qualification standard. However, I am frankly concerned that the process has taken this long. We cannot afford a repeat of past delays.

I appreciate having both the SSA Commissioner, Michael Astrue, and the OPM Director, Linda Springer, here today to address this important topic. We'd like to learn what SSA's needs are for ALJ hiring and what barriers to hiring SSA faces. We'd like to know the steps OPM needs to take to develop the new register, and OPM's time line for these steps. And if there are obstacles to getting this done – and done rapidly – we'd like to know about them today.